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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,762	02/28/2002	Moon-Key Han	P56692	3704

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EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,762

Applicant(s)

HAN, MOON-KEY

Examiner

Jennifer E. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004 and 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) 21-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 and 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This final Office action is in response to the amendment of October 21, 2003 by which claims 1-10 were canceled and claims 11-27 were added, the amendment of February 17, 2004 by which claim 24 was amended and claims 28-30 were added, and the election of May 3, 2004.

Election/Restriction

Applicant's election with traverse of species (a), i.e., Figures 1-3, in the reply filed on May 3, 2004 is acknowledged. The traversal (see page 2 of the Remarks) is on the grounds that (a) "The various figures are not so different as to be separately classified in mutually exclusive technical classes... Therefore, searching of all claims will not impose any substantial burden on the examiner." and (b) "The Office action does not state a detailed basis for the election requirement in that the Examiner has not set forth a listing of the technical classes in which each of the embodiments of Figures 1 thru 5, respectively, will be searched." This is not found persuasive for the following reasons. Pursuant to PCT Rule 13.1 and MPEP § 809.02(a), a listing of the technical classes to which each embodiment would be classified is not required when lack of unity of invention is present, i.e., when an application is filed under 35 U.S.C. 371. But rather a listing of claims deemed to correspond to the different species must be set forth, as evidenced in the restriction/election requirement of December 17, 2003. *Thus*, it can be seen that since claims 11-20 read on species (a) and claims 11 and 21-27 read on species (b), that the various figures are so different as to each require a different search, thus placing a burden on the examiner, i.e., since species (a) does not require the receptacle or

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stopper of species (b), a search of the receptacle or stopper of species (b) would involve a different search not needed for species (a).

Further, applicant's remarks (in the middle of page 3) that "the Examiner's statement of correspondence between the various claims and the various figures is inaccurate" is acknowledged. *However*, these remarks are incorrect for the following reasons. *Firstly*, applicant's statement (at the bottom of page 3) that "any claim dependent from claim 11 reads on Figures 1, 2, and 3 so long as the dependent claim does not contain a recitation that contradicts Figures 1, 2, and 3" is not well-taken since this statement is not wholly correct. *In particular*, applicant states (at the top of page 4) that "claims 18-22 read on Figure 3". *However*, as can be seen by the Examiners' indication (see the last two lines of the office action of December 17, 2003) of how claims 11-20 read on Figures 1-3, claims 11 and 18-20 read on Figure 3, not including claims 21-22. Claims 21 and 22 contain reference to the receptacle and/or stopper found in non-elected Figures 4 and 5, and thus do not read on the elected species of Figures 1-3. *Secondly*, applicant's statement (at the top of page 4) that "although independent claim 23 does not read directly on Figure 1, dependent claims 25 thru 30 do read on the interconnection of Figures 1 thru 3, and thus claims 25-30 also read on species (a)" is also not well-taken. *In particular*, although the structure of each of claims 25-30 may read on the interconnection of Figures 1-3, it is the claimed combination of claims 25-30 that do not read on Figures 1-3, i.e., the claimed combination of claim 25 comprises the receptacle and stopper of claim 23 and the connecting means of claim 25. *Thus*, since independent claim 23 does not read on the elected species and is therefore not examined, any claim dependent therefrom is also not examined.

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Finally, in the amendment filed on February 17, 2004, which was after the mailing of the restriction/election requirement on December 17, 2003, applicant added new claims 28-30. *As advanced above*, since claim 23 is drawn to a non-elected species and this is not being examined, any claims, i.e., claims 28-30, dependent therefrom are also not examined.

Accordingly, for the above-mentioned reasons, claims 21, 22, and 23-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

The substitute drawings, containing Figures 2 and 3, were received on October 21, 2003. These drawings are approved.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on July 9, 2003 was filed after the mailing date of the non-final Office action on July 28, 2003. The information disclosure statement is being considered by the examiner. Note the miscellaneous letter filed August 11, 2003.

Specification

It is noted that the substitute specification, filed October 21, 2003 has been entered.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 658,991 (Langguth '991).

Langguth '991 discloses a unit comprising a support body (b) buried in a bar of soap (A); a first connecting means (unnumbered - horizontal portion located between b³ and B) extending out of the bar of soap from a first end (top of Figure 2) of the bar of soap, i.e., the receptacle is in the bar of soap and the first connecting means is in the receptacle, so the first connecting means is considered to "extend out of the bar of soap"; the first connecting means for connecting the bar of soap (A) to a hanging device (b³); a second connecting means (b) extends out of the bar of soap from a second end (bottom of Figure 2). It is noted that claim 11 is positively claiming only one support body. Also, it is noted that the recitation "for connecting the bar of soap to one of the other items" in the last line of claim 11, is merely functional, i.e., the claim is not positively requiring that the second connecting means be connected to another structure, and thus the second connecting means of Langguth is considered to be *capable* of connecting the bar of soap to another item, such as a piece of string.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langguth '991 as applied to claim 11 above, and further in view of U.S. Patent No. 3,054,321 (Macchia '321).

Langguth '991 discloses the unit as advanced above.

The claims differ from Langguth '991 in requiring: (a) the first connecting means to comprise an insertion shaft which is enlarged at its end (claim 12); (b) the second connecting means to comprises a shaft having a socket type clip formed at an thereof (claims 13 and 14); (c) the first connecting means to comprise a shaft having a bolt (claim 18); and (d) the second connecting means to have a shaft with a nut part (claims 19 and 20).

It is noted that the recitations "for insertion into a socket type clip provided at an end of the hanging device" in claim 12, "for connection to an enlarged end of an insertion shaft" in claim 13, "for connection to a nut part" in claim 18 and "for connection to a bolt" in claims 19 and 20 are merely functional and hence are not being required, i.e., positively claimed. *In other words*, a unit need not have a socket type clip to meet the language of claim 12.

With respect to claims 12-14, Macchia '321 teaches a connection device comprising a first connecting means having an insertion shaft (22) which is enlarged at its

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end (40) and which is inserted into a socket type clip (at 30^b - see Figure 9) and *with respect to claims 18-20*, Macchia '321 teaches a connection device comprising a first connecting means having a shaft (22 - see Figure 7) with a bolt formed *on an end* which is inserted into a second connecting means having a nut part (26^a) .

Thus, with respect to (a)-(d), it would have been an obvious design choice to one of ordinary skill in the art at the time the invention was made to have provided the unit of Langguth '991 with the first connecting means and the second connecting means, as specified in the respective claims, for ease in assembly and removal of the unit with other items having similar connecting means.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langguth '991 as applied to claim 11 above, and further in view of Japanese Patent No. 8-52085.

Langguth '991 discloses the unit as advanced above.

The claims differ from Langguth '991 in requiring: (a) the first connecting means to comprise a shaft having a hook for connection to the hanging device (claim 15); and (b) the second connecting device to comprise a shaft having a ring formed at an end (claims 16 and 17).

It is noted that the recitations "for connection to a hook" in claims 16 and 17 is merely functional and hence is not being required, i.e., positively claimed. *In other words*, a unit need not have a hook to meet the language of claims 16 and 17.

Japanese Patent No. 8-52085 teaches that it is old to utilize a hook (see Figure 7) for the first connecting means so that the unit (1) can be connected to a hanging device (11 - see Figure 2) and a shaft (3d) with a ring (5) at an end (see Figure 10).

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With respect to (a) and (b), it would have been an obvious design choice to one of ordinary skill in the art at the time the invention was made to have provided the unit of Langguth '991 with the first connecting means comprising a hook and the second connecting means comprising a ring, for ease in assembly and removal of the unit with other items having similar connecting means.

Response to Arguments

Applicant's arguments (see pages 20-24 of the amendment filed October 21, 2003) with respect to claims 1-10 have been considered but are moot in view of the new grounds of rejection. The new grounds of rejection were necessitated by the amendment (of October 21, 2003) which canceled claims 1-10 and added claims 11-27, whereby claim 11 now recites "second connecting means extending out of the bar of soap from a second end".

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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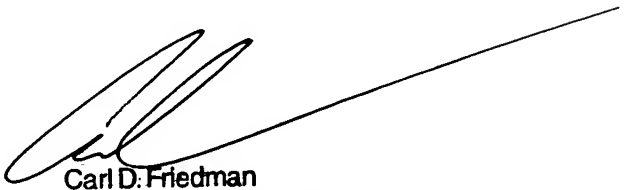
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703)-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer E. Novosad/jen
August 10, 2004



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